

In the Claims

Please amend claims 40 and 63 to read as follows:<sup>1</sup>

Sub E1  
D1

40. (Twice amended) A microelectronic device structure including a top electrode layer on a top surface of a ferroelectric oxide or high  $\epsilon$  oxide film material, wherein said ferroelectric oxide or high  $\epsilon$  oxide film material is stoichiometrically satisfied in oxygen content, including the top surface region of the ferroelectric oxide or high  $\epsilon$  oxide film material, and wherein the top electrode layer does not contain oxygen abstracted from the thin film of ferroelectric or high  $\epsilon$  material underneath.

Sub E8  
D2

63. (Amended) A ferroelectric or high  $\epsilon$  capacitor comprising:

a bottom electrode layer formed of a material selected from the group consisting of Ir, Ir oxide, Rh, Rh oxides, and compatible mixtures and alloys thereof;

a thin film of a ferroelectric or high  $\epsilon$  material over the bottom electrode, wherein the material is stoichiometrically satisfied in oxygen content, including the surface region of the material adjacent to the top electrode layer;

a top electrode layer on the thin film of ferroelectric or high  $\epsilon$  material, which is formed of a material selected from the group consisting of Ir, Ir oxide, Rh, Rh oxides and compatible mixtures and alloys thereof, wherein the top electrode layer does not contain oxygen content abstracted from the thin film of ferroelectric or high  $\epsilon$  material underneath.

<sup>1</sup> Consistent with the requirements of 37 C.F.R. §1.121, a marked up version of the amended claims is contained in **Appendix A** hereof; a clean copy of all pending claims is contained in **Appendix B** hereof.